IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No.849 of 2007

***Decided on:* December 13, 2007.**

Rajinder Kumar ***…Petitioner.***

VERSUS

State of Himachal Pradesh ***….Respondent.***

Coram

The Hon'ble Mr.Justice Kuldip Singh, Judge.

Whether approved for reporting?[1] No

For the Petitioner: **Mr.P.P.Chauhan, Advocate.**

For the respondent: **Mr.M.L.Chauhan, Addl.A.G.**

Kuldip Singh, Judge (Oral)

This is an application under Section 439 Cr.P.C. for releasing the petitioner on bail in F.I.R. No.153/2007, registered at Police Station, Baddi, District Solan on 20.9.2007 under Sections 395, 458, 380, 342, 411 I.P.C.

2. The petitioner in the application has submitted that the police have arrested him on 12.11.2007 in F.I.R. No.153/2007 after the registration of F.I.R. No.169/2007 on 28/29.10.2007. The petitioner has been falsely implicated in F.I.R. No.153/2007. He has already been released on bail in F.I.R. No.169/2007 by learned Additional Sessions Judge, Solan on 19.11.2007. It has been submitted that the petitioner belongs to a respectable family, no purpose will be served by keeping the petitioner in judicial custody. The investigation in the case is complete.

Whether the reporters of the local papers may be allowed to see the judgment? Yes

3. The learned Additional Advocate General has opposed the bail application. He has submitted that the petitioner is a member of an organized gang and is involved in series of dacoities in Baddi area, F.I.R. No.150/2007 and F.I.R.No.169/2007, in addition to F.I.R. No.153/2007 have already been registered against the petitioner and others at Police Station, Baddi. He has submitted that the petitioner and others committed dacoity in the premises of Rajnigandha Factory, village Thana, Nalagarh and decamped with copper wires. In investigation, it has come that during the intervening night of 19/20th September, 2007, the petitioner and others committed dacoity in the factory premises and took away 10 bundles of copper wire, Rs.32,000 cash and two mobile hand sets. In all, about 18 persons were involved in the dacoity, 13 of them, including the petitioner have been arrested and remaining are yet to be arrested and the police is searching for them. The petitioner was arrested on 23.11.2007. The involvement of petitioner has emerged from the evidence collected during investigation. Some of the stolen property has been recovered from scrap dealer Dharam Pal who was also arrested. The learned Additional Advocate General has submitted that except for Dharam Pal scrap dealer, no other accused in the case has been granted bail and all of them are in judicial custody.

4. The petitioner is involved in serious offence along with other accused persons who have committed dacoities in the area. The petitioner is involved in four cases of similar nature, in addition to F.I.R. No.153/2007 all registered at Police Station, Baddi. The investigation in the case is in progress. Looking into the facts and

circumstances of the case, the petitioner is not entitled to bail at this stage. The possibility cannot be ruled out in case the petitioner is released on bail, then he will influence the witnesses connected with the case. The petitioner appears to be a member of gang active in Baddi area for committing dacoties. The allegations against the petitioner and co-accused are serious. Accordingly, the application is dismissed.

5. The observations made in the order shall not be construed as expression of opinion on the merits of the case.

December 13, 2007 ***(Kuldip Singh), J.***

(soni)